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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 10 2003

REPLY TO THE ATTENTION OF

Lindsay Light II Site

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

RE: Lindsay Light II Site/RV2
316 East Illinois Street, Chicago, Illinois
Site #05YT, Operable Unit 00
Demand Letter

Dear Sirs or Mesdames:

The United States Environmental Protection Agency (U.S. EPA) has conducted response actions to address contamination at the Lindsay Light II Site, in Chicago, Illinois. This is a Demand Letter for the response costs associated with certain removal actions required by U.S. EPA's Unilateral Administrative Order (UAO) issued June 6, 1996, Docket Number V-W-'96-353 regarding Site 05YT Operable Unit (OU) 00. U.S. EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Pub. L. 99-499 100 Stat. 1613 (1986). Prior to undertaking these response actions, U.S. EPA determined that there was a release or threatened release of hazardous substances from the Lindsay Light II Site. The U.S. EPA undertook the response actions using monies authorized by CERCLA, as amended.

Response costs associated with this Site have been incurred by U.S. EPA. The approximate U.S. EPA response costs identified from March 14, 1996, through January 31, 2003, for the above referenced Site are \$349,668.76. A summary is enclosed. For your information, subsequent to the February 2000 discovery of Lindsay Light II-related radioactive contamination at the Grand Pier property and other off-site locations, U.S. EPA established several additional Operable Units (OUs) for the Lindsay Light II

Site. This Demand Letter does not include certain costs associated with RV3/North Columbus Drive, also known as "Grand Pier" (OU1). Other OUs that have costs associated with the Lindsay Light II UAO but are not contained in this Demand Letter include: Beverly Gravel (OU2); North McClurg Court, also known as "GMO" or "TRS" (OU3); DuSable Park (OU4); Family Golf Course/Lake Shore East (OU5); 246 E. Ohio (OU6), and HBE Corporation, also known as "Adams Mark" (OU7).

Information available to U.S. EPA indicates among other things that you are potentially responsible for the release, or threat of release of hazardous substances from the Site. Pursuant to the provisions of Section 107(a) of CERCLA, and based on evidence currently available to the Agency, U.S. EPA believes that you may be liable for the payment of all costs incurred by U.S. EPA in connection with the Site. The potentially responsible parties (PRPs) are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to U.S. EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. §9507, and administered by U.S. EPA. Please send your check to U.S. EPA - Region 5, Attn: Program Accounting & Analysis Section, P.O. Box 70753, Chicago, Illinois 60673. Place the following Site Identification Number on the check: 05YT/OU 00. Please send a copy of your payment check to William Messenger, Chief, Emergency Enforcement & Support Section, U.S. EPA, Region 5, Superfund Division (SE-5J), 77 W. Jackson Blvd., Chicago, Illinois 60604, and to Mary Fulghum, Associate Regional Counsel, Office of Regional Counsel, U.S. EPA, Region 5 (C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604.

We hereby demand that you make restitution by payment of the amount in this letter plus interest, together with any sums hereafter expended by the Agency in connection with the Site pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) days of the date of this letter.

If you desire to discuss your liability with U.S. EPA, please contact Mary Fulghum in writing no later than ten (10) days after the date of this letter. Ms. Fulghum may also be reached by phone at (312) 886-4683. If we do not receive a response from you within this time frame, U.S. EPA will assume that you have

declined to reimburse the Fund for the Site expenditures, and pursuant to CERCLA, U.S. EPA may pursue civil litigation against you.

The names of other PRPs receiving this request for payment are enclosed with this letter to facilitate organization among the identified parties concerning payment. PRPs should attempt to work out an allocation among themselves to apportion costs; however, whatever allocation system the PRPs develop among themselves, U.S. EPA considers all PRPs to this Site jointly and severally liable for the amounts demanded in this letter until all costs are reimbursed or an appropriate settlement is achieved pursuant to Section 122(h) of CERCLA.

Sincerely,



for Margaret M. Guerriero, Acting Chief
Emergency Response Branch

Enclosure

cc: Vincent S. Oleskiewicz, Esq.,
(Counsel for Chicago Dock & Canal Trust, MCL Companies of
Chicago, Inc. and River East, Inc.)

John T. Smith, Esq.
(Counsel for Kerr-McGee Chemical LLC)

LINDSAY LIGHT II SITE/RV2 OU 00
LIST OF RESPONDENTS RECEIVING DEMAND LETTER

Kerr-McGee Chemical LLC
c/o The Corporation Company
Registered Agent
120 North Robinson, Suite 735
Oklahoma City, OK 73102

MCL Companies of Chicago, Inc.
c/o Mr. David A. Grossberg
Registered Agent
233 South Wacker Drive
6600 Sears Tower
Chicago, IL 60606

River East, Inc.
c/o Pedersen & Houpt
Registered Agent
161 North Clark Street, Suite 3100
Chicago, IL 60601

Chicago Dock & Canal Company
c/o Mr. David A. Grossberg
Registered Agent
6600 Sears Tower
Chicago, IL 60606

Mitsui Sumitomo Insurance Management (U.S.A.), Inc.
111 Eighth Avenue
New York, NY 10011

Vincent S. Oleskiewicz, Esq.
Baker & McKenzie
One Prudential Plaza
130 East Randolph Drive
Chicago, IL 60601

John T. Smith, Esq.
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, DC 20044-7566

bcc: Mary Fulghum, ORC (C-14J)
 Cathy Martwick, ORC (C-14J)
 Verneta Simon, OSC (C-14J)
 Fred Micke, OSC ~~(C-14J)~~ SE-5J
 Debbie Regel, EESS (SE-5J)
 M. Weber, IEPA State Contact
 Tony Audia, PAAS (MF-10J)
 Records Center (SMR-7J)

SUBJECT FILE -- CONCURRENCES

AUTHOR	FMB	ORC	EESS Chief	ERB CHIEF
Regel dhr 4/8/03	<i>[Signature]</i> 4/9/03	<i>[Signature]</i> 3/9/03	KIL 4/9/03	<i>[Signature]</i> 4/10/03

ENVIRONMENTAL AGENCY
 PROTECTION AGENCY
 REGION V

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 COMPTROLLER BRANCH